

**SHAW, PERELSON, MAY & LAMBERT, LLP**  
**ATTORNEYS AT LAW**  
**21 VAN WAGNER ROAD**  
**POUGHKEEPSIE, NEW YORK 12603**  
**(845) 486-4200**  
**FAX (845) 486-4268**

**WESTCHESTER OFFICE**  
**115 STEVENS AVENUE**  
**VALHALLA, NEW YORK 10595**  
**(914) 741-9870**  
**FAX (914) 741-9875**

**STEPHEN A. PERELSON (1941-2002)**  
**DAVID S. SHAW**  
**MARGO L. MAY**  
**MICHAEL K. LAMBERT**  
**MARC E. SHARFF**  
**BETH L. HARRIS**  
**STEVEN M. LATINO**  
**JULIE M. SHAW**

-----  
**GARRETT L. SILVEIRA**  
**ELIZABETH A. LEDKOVSKY**  
**ZACHARY A. A. TAYLOR**

**MARK C. RUSHFIELD \***  
**OF COUNSEL**  
**JOHN E. OSBORN**  
**OF COUNSEL**

*\* also admitted in New Jersey*

December 30, 2020

***Via ECF***

Hon. Vincent Briccetti, United States District Court Judge  
United States District Court, Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

**Re: Melton v. Poughkeepsie CSD, Index No. 19 CV 09755 (VB)(LMS); Letter response  
as per December 22, 2020 Order of the Court**

Dear Judge Briccetti:

This office represents the defendant school district and is in receipt of both the pro se Plaintiff's letter to the Court Re: "'Destruction of evidence' Amendments to Attachment A, B, and C" and your Honor's December 22, 2020 memorandum Order requiring a response by this office by January 4, 2021.

As concerns the Plaintiff's allegations of destruction of evidence, since the Plaintiff had initially sought to raise her claims in the above-referenced action in the earlier action referenced by the Plaintiff in her letter (i.e., 16-CV-9701), the original hold letter from the earlier action was never withdrawn and the District was advised to continue to comply with it with regard to the Plaintiff. I have contacted our client concerning the vague and ambiguous claims of the plaintiff concerning alleged destruction of evidence and our client claims to have no knowledge of what the Plaintiff is referring to or of any destruction of any evidence that might be relevant to the Plaintiff's claims. I do not believe the Plaintiff's other spurious allegations warrant a response.

The Plaintiff's letter and enclosures do, however, raise another issue. It appears that the Plaintiff is attempting to amend her Complaint by additions or revisions to Attachments A, B and C to the Complaint, but does not include the complete amended Complaint and does not set forth

in the attachments the separate statements required by Fed. R. Civ. P. 10(b), which, for Plaintiff's edification, provides that "[a] party must state its claims . . . in numbered paragraphs, each limited as far as practicable to a single set of circumstances." Rather than engaging in motion practice with a pro se plaintiff, before being obligated to respond to what the Plaintiff has now filed with the Court as new Attachments A, B and C, it is requested that the Court direct the Plaintiff, if her intention is to amend her Complaint, to file with the Court a complete Amended Complaint that complies with Fed. R. Civ. P. 10(b).

Thank you for your consideration of the above.

Very truly yours,

**SHAW, PERELSON, MAY & LAMBERT, LLP**

**BY: \_\_\_\_\_/S/\_\_\_\_\_  
MARK C. RUSHFIELD, ESQ.**

MCR/hs

cc: Carol Melton via email and ecf.